

## UNCLE SAM STAYS HAND OF RAILROADS IN MOVE

Injunction is Issued Restraining Twenty-five Western Lines from Increasing Freight Rates.

### CONSPIRACY TO STIFLE COMPETITION IS CHARGED

To Prevent Higher Charges For Transportation As Announced by the Railways to Take Effect Today, the Government Calls Halt To Procedure—Petition For Action is Presented to Federal Court.

(By Associated Press.)  
HANNIBAL, MO., May 31.—Twenty-five western railroads were temporarily restrained tonight by United States District Judge David H. Dyer from enforcing, or making a general advance in interstate freight rates, scheduled for June 1. The injunction was granted on a petition filed by the government on the allegations that the advances in rates were agreed on by the defendants without competition and in violation of the Sherman act.

The petition was filed in the United States Circuit Court at St. Louis today and was brought here by Attorney Dyer, who is holding a session of the United States Circuit Court. It is stated that unless such a restraining order be issued the proposed advances will become effective at midnight tonight to the grave harm and injury of the people of the United States.

The petition, on which the injunction was issued, was presented to Judge Dyer by Edwin P. Grosvonor, of Washington, special assistant to the attorney general, and Frederick N. Judson, of St. Louis, acting as special counsel. It was signed by George W. Wickham, attorney general, William Kenyon, assistant to the attorney general, and Charles A. Potts, United States district attorney.

The restraining order was issued on the statement of the counsel for the government that they would immediately, by direction of the attorney general, file an expediting certificate under the act of February 11, 1903, providing for a determination of issues.

Free of legal verbiage the petition is to this effect:

**The Petition.**  
That the defendants at all times are common carriers of all kinds of interstate freight; that the defendants are the officers and controllers of the respective lines of railroads, that each defendant is independent of the lines of railroad operated by the other defendants.

Generally speaking the lines are the only ones for the transportation of freight and passengers traffic for the states of Missouri, Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Wyoming and parts of Montana and Michigan, Wisconsin, Illinois, Indiana and Tennessee.

They furnish the only means of communication by railroads between the inhabitants of the states.  
But for the unlawful combination, conspiracy, agreements and understandings between the defendant railroads, the petition says, the "defendants would have continued in the said interstate transportation trade and commerce in competition with each other, as to the rates and charges to be collected for the interstate transportation of freight and passengers and as to the facilities and advantages to be offered to the traveling public and to shippers of commodities in interstate commerce, and would now be competing in said interstate transportation, trade and commerce."

**Contrive to Suppress.**  
The second part of the petition states that on December 5, 1906, nineteen of the defendants "contrived to suppress all competition between them in respect to fares and charges and unjustly and oppressively to increase rates and charges and to establish and maintain unreasonable and arbitrary rates which were to be grossly in excess of the rates and charges, which would have prevailed, but for the unlawful combination and conspiracy of the defendants."

Charges are made that the unreasonable and excessive rates, fixed without competition by conspiracy, apply to a vast number of commodities of prime utility and daily necessity.

"The unreasonable advance in freight charges apply to approximately sixty per cent of the commodities carried and will increase freight charges in amounts varying from ten to twenty per cent of the rate in effect heretofore," it is charged.

**Arbitrary and Excessive Rates.**  
The petition closes by saying that unless the unreasonable schedule of

### HENRY C. STUART ARRIVES; READY FOR NINTH FIGHT

Democratic Candidate for Congress at Home and Will Attend to Political Matters Today.

RICHMOND, VA., May 31.—With smiling face and a physical appearance which fully bears out his statement that he is ready to jump into the political arena of the Ninth district and give C. Bascom Slemp the fight of his life for the honor of representing his district in congress, Henry Carter Stuart arrived in Richmond this morning from New York, in which latter city he arrived from Paris a few days ago, and has been kept busy ever since greeting his old friends and receiving their hearty wishes and felicitations for the improvement in Mrs. Stuart's health, which allows him to return at this time.

Just at this time Mr. Stuart is not making any positive statements concerning the coming election in the Ninth, but as soon as he gets to his home and has a conference with the party there things may be expected to happen.

Mr. Stuart came direct here from New York, where he left his wife and little daughter. He leaves tonight for Pulaski, where he will attend a meeting of the Ninth District Democratic committee tomorrow.

When this duty is discharged—and it is a mighty pleasant one to Mr. Stuart, who is full of pent-up political enthusiasm just now—he will return to this city and make arrangements for the final homecoming of Mrs. Stuart.

### FAMILIARITY THE CAUSE.

Mingling of Whites and Negroes Brings Army Post Trouble.

(By Associated Press.)  
WASHINGTON, D. C., May 31.—Under familiarity between the white soldiers of the 127th company, coast artillery, at Fort Fremont, St. Helena Island, S. C., and the negroes, men and women, living in the neighborhood of the post, was the cause of the peeping with shot of half a dozen of the soldiers May 9 last. This is the substance of a report made to the adjutant general by one of the inspectors, who made an investigation of the affair on the spot.

"Blind tigers" and "bootleg" whiskey played the usual part in the affair. As a result several of the enlisted men are to be tried by court martial.

## FAILS TO SAVE NEGRO

United States Supreme Court Rules Against Test Case.

### PINK FRANKLIN MUST DIE

Former Attorney General Bonaparte Declares South Carolina Law As Attempt at Captivity of Colored Race—Condemned Man a Murderer.

(By Associated Press.)  
WASHINGTON, D. C., May 31.—Pink Franklin, the South Carolina negro whose conviction of the murder of Special Constable Valentine led to an attack on the so-called contract laws of the South, will suffer the death penalty, according to the decision today of the Supreme Court of the United States.

It was claimed by Franklin that the constable came to his home at night and entered without announcing himself as an officer of the law. It was while in Franklin's cabin that the constable was shot.

Former Attorney General Bonaparte became interested in the case and after the colored lawyers for the condemned man had appealed the case to the Supreme Court of the United States, Mr. Bonaparte filed a brief in Franklin's behalf. He contended that Franklin had a right to resist arrest, which was sought to be made on a warrant issued under an unconstitutional law.

**Provision of Law.**  
This law was the so-called "labor contract," which provides that agricultural laborers under contract to work, were guilty of misdemeanors if they break their contracts after receiving wages in advance. Mr. Bonaparte declared this law as an attempt to reduce the negroes of the South to captivity.

Justice Day, in announcing the decision, said the court could inquire only into federal questions. He said the question of resistance of arrest under an unconstitutional law was not raised in time in the state court.

## AT PRAYER ALONE, SHE MET HER DEATH

More Horrible Details of Girl's Murder in Louisville Disccovered.

### BELIEVED SNATCHED FROM CHURCH ALTAR

Following Finding the Decomposed Body of Eight-year-old Child in Old Cistern More Facts Are Brought to Light—Handkerchiefs and Glove Found in Basement of Edifice.

(By Associated Press.)  
LOUISVILLE, KY., May 31.—Discoveries made today in the basement of St. John's Catholic church, according to the police, reveal almost every detail of the murder of Alma Kellner, eight-year-old, who disappeared on December 8, after attending services at St. John's, having probably been snatched from the altar where she was wont to pray alone.

**Glove Found in Basement.**  
Buried in the church basement, just under the sacristy, were found Alma's gauntlet glove, her handkerchief and two men's handkerchiefs, covered with blood. It is now the police theory that Alma was late for the regular church service; that she was found alone praying in the church and was seized by Joseph Wendling, the janitor, who the police believe assaulted and murdered the child and dragged her body into the basement through a hole in the sacristy.

The police believe that Wendling tried to burn the body in the church furnace and failing later threw it into an old cistern under one of the parish houses. There it was accidentally discovered yesterday.

The girl's body was buried in St. Louis cemetery this afternoon.

**Only One Attends Burial.**  
Only Frank Fehr, a wealthy uncle and a friend, accompanied the body to the grave.

Relatives today offered a reward of \$1,000 for the arrest and conviction of the murderer of Alma Kellner.

Mrs. Joseph Wendling was present in police court this morning and her case continued until June 8. Mrs. Wendling denies all knowledge of the murder of the little girl. The matter of bail was deferred until tomorrow.

A telegram from New Orleans says a man supposed to be Wendling has been seen there. He is said to have relatives in New Orleans and the old French quarter of the city is being searched.

## SUGAR WEAVER RESTS HIS DEFENSE

Lays All Blame for Wrong Doing on Shoulders of Oliver Spitzer.

(By Associated Press.)  
NEW YORK, May 31.—Counsel for James Bendernagel, former chief weaver of the Williamsburg refinery of the American Sugar Refining Company, rested his defense this afternoon after an address in which all the blame was laid upon the shoulders of Oliver Spitzer, the former dock superintendent who has confessed.

Bendernagel is one of three defendants still on trial charged with conspiracy to defraud the government by underweighing imports of raw sugar. The defense of Ernest W. Gerbracht, former superintendent of the refinery, and of Charles R. Heik, secretary-treasurer of the trust, will be continued tomorrow.

Character witnesses swore to Bendernagel's good reputation.

Then George F. Mackellar, counsel for Gerbracht, addressed the jury.

"I will show," said Mr. Mackellar, "that Spitzer, hired and fired by the sugar trust's president, was entirely at fault, for all weight irregularities. I will show that it was Spitzer and not Gerbracht who was the man in charge of any wrong weights; that Spitzer and not Gerbracht, engineered the fraud; raised the checkers' salaries and dealt personally and directly in forwarding his weights to Wall street."

"Spitzer's control was supreme. Spitzer knew it all. Spitzer did it all, and now Spitzer is free."

**Contract for More Cars.**  
(By Associated Press.)  
ROANOKE, VA., May 31.—The Norfolk & Western Railway Company today announced it had awarded to the Pullman Company, of Pullman, Ill., a contract for building 500 solid steel cars of 109,000 pounds capacity.

## PRESIDENT TAFT FOR NO SPECIAL INTERESTS

Chief Executive Doesn't Agree for Specific Aid for Alaskan Railroad.

(By Associated Press.)  
WASHINGTON, D. C., May 31.—President Taft announced today that during his administration he will not lend his approval to legislation designed to give government aid to specific railroad interests in Alaska. He said he favors a general law which will apply to all who comply with its provisions; a law modeled after the policy which for years had been in effect in the Philippine islands.

The announcement came in the shape of executive approval of an adverse report made to congress by Secretary of the Interior Ballinger on a bill which proposed specific aid to the Alaska Great Northern Railroad.

The fight over this bill is said to have developed much of the controversy waged by the two houses in congress. The backers of the bill, it is claimed, have set up the charge that those who oppose their measure are "controlled" by the Morgan-Guggenheim syndicate.

## B. B. MUNFORD DIES AFTER LONG ILLNESS

Prominent Virginia Lawyer and Author Passes Away in Henrico County.

RICHMOND, VA., May 31.—Beverly B. Munford, 44 years old, member of the law firm of Munford, Hutton, Williams and Anderson, died about 1 o'clock this afternoon in his home, on the Hermitage road, in Henrico county, after a long illness.

Mr. Munford's death was not so unexpected, as he had been in ill health five or more years.

Beverly Bland Munford was born in Richmond, Sept. 10, 1866, and when a boy went to Williamsburg, where his childhood was spent.

He was educated at William and Mary College, attended lectures under Professor John B. Minor at his summer law school, and commenced the practice of law in Pittsylvania county.

He was elected to the legislature as a representative from that county and the city of Danville when 23 years old, and re-elected for two additional terms with increased majorities. He served with distinction as chairman of the judiciary committee during his last term of service. He was president elector on the Cleveland and Hendricks ticket.

Mr. Munford returned to his native city in 1887, forming a co-partnership for the practice of law with the late Judge Waller R. Staples, who had but recently retired from his service as a member of the Supreme Court of Appeals. In 1908 he was elected to the senate of Virginia, in which he served four years.

Shortly after the death of Judge Staples the law firm of Munford, Hutton, Williams and Anderson, of which Mr. Munford was a member, was formed. This firm is the representative in Richmond of the Southern Railway Company, Seaboard Air Line Railway Company, several street railway, insurance and trust companies, banks and other corporations.

Probably the most notable of his recent achievements was the writing of his book, "Virginia's Attitude Towards Slavery and Secession," which has attracted attention in all parts of the world.

## HE LOSES THOUSANDS WITH HIS "FRIENDS"

New York Man is Trapped in Wire Tapping Game.

(By Associated Press.)  
NEW YORK, May 31.—Twelve thousand dollars were dropped to alleged swindlers here on a variation of the old wire tapping game by Frederick Louister, a real estate dealer of Harrisburg, Pa., according to his story to the police today.

Louister caused the arrest of John Hartman, who he says, is one of the band.

Louister says Hartman met him in Harrisburg and induced him to go to Baltimore to engage in a real estate deal. There he met "capitalists," who were also interested in racing, and subsequently came to New York with a certified check for \$10,000.

This he lost betting on a sure winner his "friends" had a sure tip on another race, however, and Louister hurried home, and got \$2,000 more, which he also lost. Then he appealed to the police and pointed out Hartman on the street today.

## TAFT'S TAX LAW IS YET TO BE SETTLED

United States Supreme Court Orders Re-argument in Corporation Cases.

### WANT FULL BENCH TO SIT IN THE HEARING

Constitutionality of Fifteen Causes Appealed to the High Tribunal Must Wait Indefinitely for Decision—President Father of Statute—First Action Comes Up from Vermont.

(By Associated Press.)  
WASHINGTON, D. C., May 31.—Just before adjournment today until October, the Supreme Court of the United States restored the fifteen corporation tax cases, heard last spring, to the docket for reargument before a full bench. No specific date was set for the reargument. As two cases, touching the constitutionality of the law and its applicability to certain organizations, have been set aside for the first Tuesday of the October term, it is believed the court will advance the fifteen cases in question for a hearing in the same month. Chief Justice Fuller made the announcement of the restoration.

**Reason as Given.**  
"For argument before a full bench," was the only reason assigned for the unexpected action of the court.

The cases were argued on March 17 and 18 before a bench consisting of eight members. Inasmuch as the tax must be paid by July 1, it was believed the court would announce a decision this term. The only reason advanced for the delay of the court in reassignment of the cases, was that the court hoped it would reach a satisfactory decision of the matter before the summer recess and thus avoid a rehearing. How the court stands on the case no one off the bench pretends to know.

The action today will allow Governor Hughes, of New York, recently appointed to the bench, to participate in the consideration of the law.

**Will Collect Taxes.**  
Secretary MacVeagh said that notwithstanding the failure of the Supreme Court to pass on the constitutionality of the corporation tax, the treasury would proceed to collect it as required by law.

Should the court, after argument, declare the tax not constitutional, the money collected will be refunded without the necessity of congressional legislation, the statutes making ample provision for the return of taxes paid wrongfully or in error.

The corporation tax is collectible June 30. The assessments on that account have aggregated a trifle in excess of \$27,000,000, while the taxes paid to date amount to \$675,325.

**Taft Father of Move.**  
President Taft is regarded as the father of the corporation tax idea as represented in this statute. He evolved it during the discussion of tariff legislation and income and inheritance taxes in 1908-09. As a result, congress inserted the "Corporation Tax Law" into the Payne-Aldrich tariff act passed by congress last summer. It became section 28 of that statute.

The law subjected to the tax in a general way every corporation, joint stock company, or association, organized for profit and having a capital stock represented by shares, and every insurance company. The tax was designated as "a special excise tax with respect to the carrying on of doing business" and it was provided that it should be "equivalent to one percentum upon the entire net income" over and above \$5,000 received "from all sources" during the year.

There were to be excluded from the income, however, amounts received as dividends upon the stock of other organizations, subjected to the tax. Exempted from the tax were certain organizations, such as labor, agricultural, horticultural and fraternal benevolent societies.

**Publicity of Returns.**  
One paragraph of the law provided for the publicity of the returns required as a basis of fixing the tax.

The tax was to be paid on or before June 30 of each year and the returns for each year were to be made by March 1. It was provided that the tax should be paid for the year ending June 30, 1910, although the law was not passed until August 5, 1909.

Not until shortly before the expiration of the time for the making of the returns was the first move made to test the validity of the tax. This

movement to test the great question about corporation law started in the little town Windsor, Vermont.

There Maxwell Everts, a New York lawyer, son of the late William M. Everts, has a summer house. He had often noticed the keen competition between the two general merchandise stores in the town, the Stone Tracy Company, a corporation, and Dwight Truxbury & Sons, a partnership concern. He saw what he believed was a discrimination against the corporation if it were compelled to pay the tax and make public its business arrangements, and so accepted the position of counsel for Stella P. Flint, as general guardian of the property for Samuel N. Stone, Jr., a minor, who owned stock in the Stone-Track Co. Suit was brought in the Federal Court by Mr. Everts to enjoin the corporation from making the returns and paying the tax, on the ground that the law was unconstitutional. The corporation filed a demurrer, which was sustained and the bill dismissed. An appeal was taken to the Supreme Court.

**Signal for Suits.**

The institution of the Flint-Stone Tracy case was the signal for the bringing of suits in many sections of the United States. All were decided in exactly the same way, and almost invariably appeals were taken to the Supreme Court. The government was allowed to intervene. Fifteen cases headed by the Flint-Stone Tracy suit, were set for argument on March 14.

Besides the Vermont case, those heard were:

Wykhoff Van Derhoer, vs The Colony Island and Brooklyn Company.

Francis L. Hine, vs Home Life Insurance Company, of New York.

Fred W. Smith, vs The Northern Trust Company, of Chicago.

William H. Miner, vs The Corn Exchange National Bank, of Chicago.

Cedar Street Company, vs Park Realty Company, of New York.

Lewis W. Jored, vs The American Multigraph Company, of Cleveland.

Joseph B. Gay, vs The Baltic Mining Company, a Michigan corporation.

Percy H. Brundage, vs Broadway Realty Company, of New York.

Paul Lacroix, vs Motor Taximeter Cab Company, of New York.

Arthur Lyman, vs Interborough Rapid Transit Co., of New York.

George Wendell Phillips, vs Fifty Associates, of Boston.

Oscar Mitchell, vs Clark Iron Company, a Minnesota corporation.

Katherine Cary Cook, vs Boston Wharf Company.

**Constitutionality Argued.**  
Two days were consumed in the argument of the case in the Supreme Court. William Gethrie, of New York, counsel for the Home Life Insurance Co., was heard first.

(Continued on Fourth Page.)

## REBELS WILL ACCEPT IT

As Amended Insurgents are for Railroad Bill.

### CUMMINS TELLS OF STAND

After Going Through the Many Changes in the Senate, Progressive Republicans Are Ready to Vote for the Proposed Corporation Statute.

(By Associated Press.)

WASHINGTON, D. C., May 31.—On the eve of leaving for Iowa, to participate in the campaign in that state, Senator Cummins today informed the senate that as amended, the railroad bill would receive his vote, as it would also the votes of progressive Republican senators who have stood with him in opposition to the bill as it was prepared by the attorney general and introduced by Senator Elkins, in behalf of the administration.

The statement was made in a brief speech delivered by himself in support of an amendment placing upon railroad companies the burden of proof in hearing on rate increases.

This amendment was accepted by Senator Elkins and became a part of the bill by general consent, thus constituting the only amendment presented by the Iowa senator which had been accepted by the senate.

**Is Forward Step.**  
Mr. Cummins said that while the bill left much to be desired, he considered it a step forward in railroad legislation. He enumerated the various provisions of the measure, and said that with the exception of the court of commerce sections, he considered it in every way desirable legislation.

Aside from the adoption of the Cummins provision, the action of the day consisted in the rejection of Senator Brown's amendment prohibiting the consolidation of competitive railroads.

(Continued on Sixth Page.)

## TELLS ENGLAND TO DO RIGHT OR QUIT

During Address in London

Roosevelt Arraigns Nation's Attitude Towards Egypt.

### SAYS CIVILIZATION IS MENACED BY CONDITION

Former President of the United States

Causes Surprise to British People by Subject of His Speech—Declares it His Duty to War Against Violence Wherever Found.

(By Associated Press.)

LONDON, May 31.—Quite unexpectedly Theodore Roosevelt delivered what is considered by Englishmen, at a severe arraignment today of the nation in its attitude toward Egypt. Something picturesque was looked for from the former President of the United States, but in view of his utterances in Egypt in which he gave praise in full measure to the British government for the development, following British rule there, it was not anticipated that he would revert again to that subject, especially for the purpose of taking England to task.

But with a frankness that caused a stir among those who had gathered in the ancient guild hall to witness the ceremony of conferring upon him the freedom of the city of London, Mr. Roosevelt declared that while England had given Egypt the best government in 2,000 years, yet recent events, following the assassination of Premier Boutros Pasha, had shown that in certain vital points the British government had erred and that England must repair this error if she wished to do her duty.

**England's Object.**  
He called attention to the fact that England's primary object in taking hold in Egypt, was the establishment of order.

"Either you have or you have not the right to remain in Egypt and establish and keep order. If you have not the right and have not the desire to keep order, then, by all means, get out. But if, as I hope you feel that your duty to civilized mankind and your fealty to your own great traditions alike bid you to stay, then make the fact and the name agree and show that you are ready to meet in every deed the responsibility which is yours."

"When a people treats assassination as the cornerstone of self government it forfeits all rights to be treated as worthy of self government. Some nation must govern Egypt, and I hope and believe that the English nation will decide that the duty is theirs."

Mr. Roosevelt dwelt upon the baleful influence of the Nationalist party in Egypt which had shown in connection with the murder of the premier, that it was neither desirous nor capable of guaranteeing justice. Nor had England shown enough of its strength.

**Tried to Do Too Much.**  
"You have tried to do too much," he said, "in the interests of the Egyptians themselves. Those who have to do with uncivilized peoples, especially fanatical peoples, must remember that in such a situation as that which faces you in Egypt, weakness, timidity and sentimentality may cause infinitely more harm than violence and injustice. Sentimentality is the most broken reed on which righteousness can lean."

He prefaced his remarks on Egypt with the statement that he spoke as an unprejudiced outsider, as an American and a real democrat, whose first duty was to war against violence, injustice and wrongdoing wherever found. He proffered his advice only in accordance with the principles on which he had acted as president in dealing with the Philippines and he declared that present conditions of affairs in Egypt was a grave menace to the British empire and to civilization.

**CHILD BITTEN BY DOG.**

Ora Hatchett Arrested for Owning Vicious Canine.

Ora Hatchett, a negro woman, living at 3904 Jefferson avenue, was arrested yesterday by Patrolman Brown, on a warrant sworn out by Orla Bowman, an charging her with keeping a vicious dog. It is alleged in the warrant that the dog bit Orla Bowman's child last Sunday.

The prisoner was bailed by Justice Brown for her appearance in the police court this morning. She was accepted on her own recognizance.